

REDACTED

UNITED STATES DISTRICT COURT

District of Delaware

United States of America

REDACTED

ORDER SETTING CONDITIONS
OF RELEASE

V.

John E. Manning,

Defendant

Case Number: 07-151-UNA

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) _____
Place
_____ on _____
Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (☒) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of _____ dollars (\$ _____)
in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.



DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

As well as those listed in the addendum.

(X) (6) The defendant is placed in the custody of:

(Name of person or organization) _____

(Address) _____

(City and state) _____

(Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

11/19/07

Date

() (7) The defendant shall:

- () (a) report to the _____, telephone number _____, not later than _____.
- () (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: _____
- () (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described _____
- () (d) execute a bail bond with solvent sureties in the amount of \$ _____.
- () (e) maintain or actively seek employment.
- () (f) maintain or commence an education program.
- () (g) surrender any passport to: _____
- () (h) obtain no passport.
- () (i) abide by the following restrictions on personal association, place of abode, or travel: _____
- () (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: _____
- () (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: _____
- () (l) return to custody each (week) day as of _____ o'clock after being released each (week) day as of _____ o'clock for employment, schooling, or the following limited purpose(s): _____
- () (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.
- () (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.
- () (o) refrain from () any () excessive use of alcohol.
- () (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- () (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
- () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.
- () (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
- () (t) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
 - () (i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or
 - () (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or
 - () (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.
- () (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- () (v) _____
- () (w) _____
- () (x) _____

Addendum

- I. The defendant is released to the custody of his daughter, Amy E. Manning, and will reside at her residence located in the 2800 block of West 6th Street, Wilmington, Delaware, subject to the additional conditions of release contained in the Court's Order and this Addendum, as well as any conditions announced at the detention hearing.
- II. The defendant will deposit with the Clerk's Office within 24 hours of release the deed to his condominium residence and execute all forms necessary to pledge his equity interest in that residence as security of his compliance with each and every release condition.
- 7(a) The defendant shall report to Pretrial Services as required by that agency.
- 7(I) The defendant shall not travel outside of the State of Delaware unless authorized in advance, in writing, by Pretrial Services.
- 7(k) The defendant shall undergo psychiatric or medical treatment, and follow the treatment plan with regard to medications prescribed.
- 7(n) The defendant shall refrain from the possession of a firearm, destructive device, or other dangerous weapons.
- 7(o) The defendant shall refrain from any use of alcoholic beverages.
- 7(p) The defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. §802, unless prescribed by a licensed medical practitioner.
- 7(q) The defendant shall submit to any method of testing required by the Pretrial Services Officer for determining whether the defendant is using a prohibited substance.
- 7® The defendant shall participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by Pretrial Services.
- 7(t) The defendant shall participate in the home confinement program, which may include electronic monitoring and/or a Global Positioning System (GPS) monitoring component, and he shall abide by all requirements of the home confinement program.
- 7(u) The defendant shall report as soon as possible, to the Pretrial Services Officer or supervising officer any contact with any law enforcement personnel, including but not limited to, any arrest, questioning, or traffic stop.

- 7(v) The defendant shall have no unsupervised contact with a juvenile under the age of 18 years old, and is prohibited from patronizing any establishments or events frequented by minors, such as schools, playgrounds, arcades, movie theaters, and youth sporting events without prior written consent of the pretrial services officer. You shall immediately report any contact with a minor to the pretrial services officer.
- 7(w) The defendant shall participate in a mental health evaluation, assessment, and treatment, which may include sexual offender specific therapy, as directed by the U.S. Probation Office, until such time as the defendant is released from the program by the pretrial services officer or the Court.
- 7(x) The defendant shall not reside or loiter within 500 feet of a school, playground, or park, without prior written approval of the pretrial services officer.
- 7(y) The defendant shall not own or operate a personal computer with Internet access in the home, or any other location, including employment, without prior written approval of the pretrial services officer. The defendant shall not attempt to access the internet, or send or receive electronic mail messages or text messages, through any means, including cellular and mobile telephones and hand-held devices (e.g., blackberries). The defendant shall also not be in possession of or use a credit card, without advance written approval of Pretrial Services.
- 7(z) The defendant shall not visit, enter, or reside at a residence where there are children present without third party risk notification given first and not prior to receiving written permission from the pretrial services officer. The defendant shall not invite or otherwise encourage anyone under the age of 18 to visit his/her living quarters.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

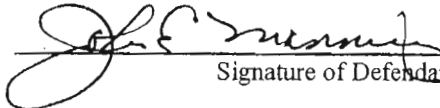
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.


Signature of Defendant

Address


City and State

Telephone

Directions to United States Marshal

- (☒) The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.

Date: November 19, 2007


Signature of Judicial Officer

Leonard P. Stark U.S. Magistrate Judge
Name and Title of Judicial Officer